

HOUSE BILL NO. 756

INTRODUCED BY L. JONES, ARNTZEN, AUGARE, BOGGIO, DUTTON, FUREY, HEINERT, KEANE,
KLOCK, MILBURN, REINHART, STAHL, THOMAS, VAN DYK, WINDY BOY

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT AN APPLICANT MUST
CREATE 10 NEW JOBS IN ORDER TO BE ELIGIBLE FOR A GRANT UNDER THE PRIMARY SECTOR
BUSINESS WORKFORCE TRAINING ACT; AMENDING SECTION 39-11-202, MCA; AND PROVIDING AN
EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-11-202, MCA, is amended to read:

"39-11-202. (Temporary) Primary sector business workforce training grants -- eligibility. (1)

Subject to appropriation by the legislature, the grant review committee provided for in 39-11-201 may award
workforce training grants to primary sector businesses that provide education or skills-based training, through
eligible training providers from the eligible training provider list, for employees in new jobs.

(2) To be eligible for a grant, an applicant shall demonstrate that at least 50% of the applicant's sales
will be from outside of Montana or that the applicant is a manufacturing company with 50% of its sales from
companies that have 50% of their sales outside of Montana and must meet at least one of the following criteria:

- (a) be a value-adding business as defined by the Montana board of investments;
- (b) demonstrate a significant positive economic impact to the region and state beyond the job creation
involved;
- (c) provide a service or function that is essential to the locality or the state; or
- (d) be a for-profit or a nonprofit hospital or medical center providing a variety of medical services for the
community or region.

(3) An applicant shall also provide a match of at least \$1 for every \$3 requested. The match:

- (a) must be from new, unexpended funds available at the time of application;
- (b) may include new loans and investments and expenditures for direct project-related costs such as new
equipment and buildings. The committee may consider recent purchases of fixed assets directly related to the
proposal on a case-by-case basis. A purchase of fixed assets directly related to the proposed training activities

1 that have been made within 90 days after submission of the application may be considered eligible by the
2 committee.

3 (4) (a) Except as provided in subsection (4)(c), a grant provided under this section may not exceed
4 \$5,000 for each full-time position for which an employee is being trained. A grant may be provided only for a new
5 job for which an average weekly wage is paid that meets or exceeds the lesser of the current state's average
6 weekly wage or the current average weekly wage of the county in which the employees are to be principally
7 employed.

8 (b) The department may consider the value of employee benefits in calculating the expected annual
9 wage.

10 (c) The committee may, in exceptional circumstances, consider a higher grant ceiling for jobs that will
11 pay significantly higher wages and benefits if the need for higher training costs is documented in the application.

12 (d) A grant provided under this section must be proportional to the number of jobs provided, the expected
13 average annual wage of all jobs provided, and the underlying economic indicators of the region where the majority
14 of the jobs will be created.

15 (5) ~~A primary sector business workforce training program must involve at least 10 new jobs unless~~
16 ~~unique circumstances are documented that indicate a significant, positive, secondary impact to the local~~
17 ~~economy.~~ Funding ceilings must be determined by the availability of funding, the cost for each job, the quality of
18 the primary sector business proposal, and whether training will be provided in Montana.

19 (6) The grant application, at a minimum, must contain:

20 (a) a business plan containing information that is sufficient for the committee to obtain an adequate
21 understanding of the business to be assisted, including the products or services offered, estimated market
22 potential, management experience of principals, current financial position, and details of the proposed venture.
23 In lieu of a business plan, the committee may consider a copy of the current loan application to entities such as
24 the Montana board of investments, the federal business and industry guarantee program, or the small business
25 administration.

26 (b) financial statements and projections for the 2 most recent years of operation and projections for each
27 of the 2 years following the grant, including but not limited to balance sheets, profit and loss statements, and cash
28 flow statements. A business operating for less than 2 years shall provide all available financial statements.

29 (c) a hiring and training plan, which must include:

30 (i) a breakdown of the jobs to be created or retained, including the number and type of jobs that are

1 full-time, part-time, skilled, semiskilled, or unskilled positions;
2 (ii) a timetable for creating the positions and the total number of employees to be hired;
3 (iii) an assurance that the business will comply with the equal opportunity and nondiscrimination laws;
4 (iv) procedures for outreach, recruitment, screening, training, and placement of employees;
5 (v) a description of the training curriculum and resources;
6 (vi) written commitments from any agency or organization participating in the implementation of the hiring
7 plan; and
8 (vii) a description of the type and method of training to be provided to employees, the starting wage and
9 wage to be paid after training for each position, the job benefits to be paid or provided, and any payment to
10 eligible training providers.

11 (7) If the committee determines that an applicant meets the criteria established in this section and has
12 complied with the applicable procedures and review processes established by the committee, the committee may
13 award a primary sector business workforce development grant to the employer and authorize the disbursement
14 of funds under contract to the primary sector business.

15 (8) (a) A contract with a grant recipient must contain provisions:

16 (i) certifying that the amount of the grant already expended will be reimbursed in the event that the
17 primary sector business ceases operation in the state of Montana within the grant contract period, which may be
18 up to 2 years;

19 (ii) specifying that the employer may receive grant funds over the contract period only upon documenting
20 the creation of eligible jobs, the hiring of employees for the jobs, or the incurring of eligible training expenses; and

21 (iii) providing the department with annual reports and a final closeout report that documents the higher
22 wages paid to an employee upon completion of the training.

23 (b) The contract must be signed by the person in the primary sector business who is assigned the duties
24 and responsibilities for training and the overall success of the program and by the primary sector business's chief
25 executive. (Terminates June 30, 2007--sec. 13, Ch. 26, L. 2005.)

26 **39-11-202. (Temporary--effective July 1, 2007) Primary sector business workforce training grants**

27 **-- eligibility.** (1) Subject to appropriation by the legislature, the grant review committee provided for in 39-11-201
28 may award workforce training grants to primary sector businesses that provide education or skills-based training,
29 through eligible training providers from the eligible training provider list, for employees in new jobs.

30 (2) To be eligible for a grant, an applicant shall demonstrate that at least 50% of the applicant's sales

1 will be from outside of Montana or that the applicant is a manufacturing company with 50% of its sales from
2 companies that have 50% of their sales outside of Montana and must meet at least one of the following criteria:

- 3 (a) be a value-adding business as defined by the Montana board of investments;
4 (b) demonstrate a significant positive economic impact to the region and state beyond the job creation
5 involved;
6 (c) provide a service or function that is essential to the locality or the state; or
7 (d) be a for-profit or a nonprofit hospital or medical center providing a variety of medical services for the
8 community or region.

9 (3) An applicant shall also provide a match of at least \$1 for every \$3 requested. The match:

- 10 (a) must be from new, unexpended funds available at the time of application;
11 (b) may include new loans and investments and expenditures for direct project-related costs such as new
12 equipment and buildings. The committee may consider recent purchases of fixed assets directly related to the
13 proposal on a case-by-case basis. A purchase of fixed assets directly related to the proposed training activities
14 that have been made within 90 days after submission of the application may be considered eligible by the
15 committee.

16 (4) (a) Except as provided in subsection (4)(c), a grant provided under this section may not exceed
17 \$5,000 for each full-time position for which an employee is being trained. A grant may be provided only for a new
18 job that has an average weekly wage that meets or exceeds the lesser of Montana's current average weekly
19 wage or the current average weekly wage of the county in which the employees are to be principally employed.

20 (b) The department may consider the value of employee benefits in calculating the expected annual
21 wage.

22 (c) The committee may, in exceptional circumstances, consider a higher grant ceiling for jobs that will
23 pay significantly higher wages and benefits if the need for higher training costs is documented in the application.

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25 average annual wage of all jobs provided, and the underlying economic indicators of the region where the majority
26 of the jobs will be created.

27 ~~(5) A primary sector business workforce training program must involve at least 10 new jobs unless~~
28 ~~unique circumstances are documented that indicate a significant, positive, secondary impact to the local~~
29 ~~economy.~~ Funding ceilings must be determined by the availability of funding, the cost for each job, the quality of
30 the primary sector business proposal, and whether training will be provided in Montana.

1 (6) The grant application, at a minimum, must contain:

2 (a) a business plan containing information that is sufficient for the committee to obtain an adequate
3 understanding of the business to be assisted, including the products or services offered, estimated market
4 potential, management experience of principals, current financial position, and details of the proposed venture.
5 In lieu of a business plan, the committee may consider a copy of the current loan application to entities such as
6 the Montana board of investments, the federal business and industry guarantee program, or the small business
7 administration.

8 (b) financial statements and projections for the 2 most recent years of operation and projections for each
9 of the 2 years following the grant, including but not limited to balance sheets, profit and loss statements, and cash
10 flow statements. A business operating for less than 2 years shall provide all available financial statements.

11 (c) a hiring and training plan, which must include:

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14 (ii) a timetable for creating the positions and the total number of employees to be hired;

15 (iii) an assurance that the business will comply with the equal opportunity and nondiscrimination laws;

16 (iv) procedures for outreach, recruitment, screening, training, and placement of employees;

17 (v) a description of the training curriculum and resources;

18 (vi) written commitments from any agency or organization participating in the implementation of the hiring
19 plan; and

20 (vii) a description of the type and method of training to be provided to employees, the starting wage and
21 wage to be paid after training for each position, the job benefits to be paid or provided, and any payment to
22 eligible training providers.

23 (7) If the committee determines that an applicant meets the criteria established in this section and has
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26 of funds under contract to the primary sector business.

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29 primary sector business ceases operation in the state of Montana within the grant contract period, which may be
30 up to 2 years;

- 1 (ii) specifying that the employer may receive grant funds over the contract period only upon documenting
2 the creation of eligible jobs, the hiring of employees for the jobs, or the incurring of eligible training expenses; and
3 (iii) providing the department with annual reports and a final closeout report that documents the higher
4 wages paid to an employee upon completion of the training.
- 5 (b) The contract must be signed by the person in the primary sector business who is assigned the duties
6 and responsibilities for training and the overall success of the program and by the primary sector business's chief
7 executive. (Terminates June 30, 2009--sec. 4, Ch. 169, L. 2005.)"

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2007.

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